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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,028	12/20/2000	Prasad V. Prabhu	80998DMW	8136

7590 10/22/2004

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,028

Applicant(s)

PRABHU ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

(A scanning error had previously resulted in the wrong set of claims being associated with this application. That error has now been fixed and the correct set of claims are now reflected for this application. The previous Action dated 7/15/04, based on the erroneous set of claims, has been withdrawn and a new Action follows below:)

1. The RCE filed 4/28/04 has been entered, and accordingly, the amendment filed 4/8/04 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen et al (6545660) and Small et al (5898434).

4. Regarding claim 1, Shen et al show a method via a graphical user interface (Figures 3, 16, column 2 lines 21-32) of annotating picture information for pictures in a picture database (Column 2 lines 21-27, column 3 lines 55-65), comprising: generating

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a user friendly display with picture indicia (Figures 3, 6, column 4 lines 39-57), in response to on screen user input, identifying a plurality of pictures as belonging to a group (column 3 lines 38-45, column 4 lines 40-55), and accepting metadata input on screen by the user, characterizing the group of pictures (column 4 lines 12-24 and 40-55). Shen et al do not specifically go into the details of the single information entry area accepting and containing (inputted) metadata information about the group and automatically associating the accepted metadata with the pictures of the group, but do mention efficient user access to a grouping on a display. Furthermore, this is done in Small et al. See in Small et al: a single entry area accepting and containing (inputted) information about a group of data items (Figures 5b, 8b, 14c, 25, column 6 lines 30-5, column 7 lines 25-45) and automatically associating the accepted metadata with the pictures of the group (column 7 lines 55-67, column 9 lines 35-65). This is done for efficient user access to a grouping on a display. It would have been obvious to a person with ordinary skill in the art to have this in Shen et al, because it would allow efficient user access to a grouping on a display.

5. Regarding claim 2, the metadata includes social information (Shen et al column 3 lines 57-60, column 4 lines 40-45, column 5 lines 20-27).

6. Regarding claim 3, the social information includes an event that the group of pictures records (Shen et al column 5 lines 20-29).

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7. Regarding claim 4, the social information includes temporal aspects of the group of pictures with respect to capture (Shen et al column 4 lines 55-60).

8. Regarding claim 5, the social information includes capture location aspects of the group of pictures (Shen et al column 5 lines 35-40).

9. Regarding claim 6, the social information includes people recorded in the group of pictures (Shen et al column 4 lines 40-46).

10. Regarding claim 7, the social information includes objects recorded in the group of pictures (Shen et al Figure 16, column 5 lines 40-45).

11. Regarding claim 8, the social information includes user provided comments (Shen et al column 3 lines 49-52).

12. Claims 9-16 show the same features as claims 1-8 respectively and are rejected for the same reasons.

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVEN SAX
EXAMINER